

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

**JOSHUA C. LOWRY, ANTHONY  
LAW, RAYMAR MCKENZIE,  
JAMES SMITH and MICHAEL  
CHAMPION,**

Plaintiffs,

v.

**DENA BROWN TRINITY GROUP  
SERVICE STAFF, BENJAMIN  
O'LEARY TRINITY GROUP SERVICE  
STAFF, CORITHIAN FOODS FOOD  
DISTRIBUTOR FOR TRINITY GROUP  
SERVICE, JENNIFER PASSERELLI  
DEPUTY WARDEN, DAVID WINTERS  
CAPTAIN, SCOTT (UNKNOWN)  
TRINITY GROUP SERVICE STAFF,  
JANICE (UNKNOWN) TRINITY  
GROUP SERVICE STAFF,**

Defendants.

2:22cv991

**Electronic Filing**

**MEMORANDUM ORDER**

The Complaint in the above captioned case was filed on July 6, 2022, and was referred to United States Magistrate Judge Maureen P. Kelly for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Rules of Court 72.C and 72.D.

The Magistrate Judge's Report and Recommendation (ECF No. 69) filed on July 27, 2023, recommended that the claims against defendant Corithian Foods be dismissed for failure to effectuate service of the complaint in accordance with the court's orders and Rule 4(m) of the Federal Rules of Civil Procedure. The parties were informed that objections to the Report and Recommendation were due by August 10, 2023. No objections have been filed.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 23<sup>rd</sup> day of October, 2023,

IT ORDERED that the claims against Corinthian Foods be, and the same hereby are, dismissed without prejudice. The [69] Report and Recommendation of Magistrate Judge Kelly dated July 27, 2023, is adopted as the opinion of the Court.

s/David Stewart Cercone  
David Stewart Cercone  
Senior United States District Judge

cc: Joshua C. Lowry  
07759-509  
Hazelton  
FCI Hazelton  
Federal Correctional Institution  
P. O. Box 5000  
Bruceton Mills, WV 26525

Anthony Law  
035754  
Butler County Prison  
202 S. Washington Street  
Butler, PA 16001

Raymar McKenzie  
035197  
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James Smith  
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Michael Champion  
38900-068  
Allenwood Low

Federal Correctional Institution  
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P. O. Box 1000  
White Deer, PA 17887

*(Sent Via First Class Mail)*

Daniel M. Vugrinovich, Esquire

*(Via CM/ECF Electronic Mail)*